

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT LEE McNEAL,

Defendant.

ORDER

05-cr-1-bbc

09-cv-234-bbc

Defendant Robert Lee McNeal has filed a motion pursuant to Fed. R. Civ. P. 60(b), asking for relief from the judgment entered in this case on June 18, 2009, denying his motion for relief under 28 U.S.C. § 2255 as untimely.

Rule 60(b) allows relief from judgment in certain limited circumstances: (1) mistake; (2) newly discovered evidence; (3) fraud or misrepresentation by an adverse party; (4) discovery that the judgment entered is void (such as when the court rendering the judgment lacked subject matter jurisdiction); (5) satisfaction of judgment or (6) for “any other reason justifying relief from the operation of the judgment.”

Nothing in defendant’s motion persuades me that I erred in denying his § 2255

motion. His present motion is simply a rehash of the arguments he raised in support of his § 2255 motion. Therefore, his Rule 60(b) motion will be denied.

ORDER

IT IS ORDERED that defendant Robert Lee McNeal's motion for Rule 60(b) relief is DENIED.

Entered this 4th day of February, 2010.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge